

ORDINANCE NO. 35-2023

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND AMENDING FEES CHARGED BY THE TAX ASSESSOR, TAX COLLECTION AND FINANCE, FEES FOR POLICE SERVICES, FEES CHARGED BY THE DEPARTMENT OF PUBLIC WORKS, TOWING AND STORAGE FEES, WATER RATES, AND ZONING FEES

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend various fees established in Chapter 2 of the Revised General Ordinances of the Borough of Roseland entitled “Administration”, Chapter 4 entitled “Licensing and Business Regulations”, and Chapter 17 entitled “Water and “Sewer”;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that Chapter 2 of the Revised General Ordinances of the Borough of Roseland entitled “Administration”, Chapter 4 entitled “Licensing and Business Regulations”, and Chapter 17 entitled “Water and “Sewer” shall be amended as follows:

SECTION I

That Chapter 2 entitled “Administration” shall be amended by adding the following **thus** and deleting the following **thus**:

§ 2-75.3 Fees Charged by Tax Assessor.

Assessment search: \$10.00
Continuation search: \$2.00
List of property owners: \$10.00
~~(each name over 40) — (per name): \$.25~~

§ 2-75.4 Fees Charged by Tax Collection and Finance.

Returned check fee: \$20.00
Duplicate tax bill fee: ~~First copy: \$5.00~~
~~Second copy during year (same block and lot numbers): \$25.00~~
Tax search: \$10.00
Continuation fee: \$2.00
Duplicate Tax Sale Certificate: \$100.00
Certificate of Redemption: \$100.00
~~75th Anniversary Book: \$3.50~~
~~Tax map (per page): \$5.00~~

§ 2-75.5 Fees for Police Services.

a. Fee Schedule. The following fees are hereby fixed and established for certain services extended and materials distributed by the Police Department of the Borough:

1. Copies of reports which are noncriminal in nature: \$2.00
2. Search fee in cases where a review of a record is desired: \$5.00
3. Viewing photographs of accident scenes: \$5.00
4. Copies of photographs, each: \$10.00
5. ~~Photostat-Copy~~ of an accident report: \$5.00
6. ~~Photostat-Copy~~ of a report other than an accident: \$2.00
7. Taking fingerprints of residents, canvassers and solicitors: \$ 1.00
8. Processing Fees for Firearms ID Cards and Handgun Permits. In order to process applications for handgun permits and firearms identification cards in a timely manner, the following fees which are charged by the FBI, New Jersey State Police, and the Borough of Roseland must be paid by certified check or money order only.

Listed below are the fee schedules for firearms applicants.

The Borough of Roseland and Department of Police have no control over the fees the above listed agencies charge for their services.

- (a) Firearms identification card/handgun purchase permit:
- (1) \$49.00 money order payable to the "Division of State Police SBI."
 - (2) ~~\$5.00~~\$50.00 payable to the Borough of Roseland for each firearms identification card.
 - (3) ~~\$2.00~~\$25.00 payable to the Borough of Roseland for each handgun permit.
 - (4) \$200.00 for each concealed carry permit.
 - i. \$150.00 payable to the Borough of Roseland
 - ii. \$50 money order payable to the "Division of State Police SBI."

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Additionally, applicants must make an appointment with the Roseland Police Department Detective Bureau to be fingerprinted. The Detective Bureau can be reached by calling 973-226-8700, Monday through Friday 8:00 a.m. to 4:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m. Please bring completed firearms paperwork and certified check(s)/money order(s) on the day of fingerprinting.

All fees are to be paid to and collected by the ~~Borough Clerk~~chief police officer of the Borough.

- b. Viewing of Reports or Photographs. The viewing or reviewing of reports, or of photographs of accident scenes, shall be permitted and conducted at the Police headquarters daily, Monday through Friday, from 9:00 a.m. to 4:00 p.m.
- c. Exemptions. No search fee shall be charged in the event that a report or a photograph is not on file with the Police Department, nor for any report for which a formal request is made by any local, County, State, or Federal Law Enforcement Agency, or by the Federal Postal Authorities.

- d. Receipts. The ~~Borough Clerk, or in his absence, the~~ Police Department, shall issue a receipt for all fees and monies received for the services extended or materials furnished, as hereinabove provided.
- e. Fee for Police Testing Application. There shall be a fee of fifty (\$50.00) dollars for any police testing application. Upon written certification to the Chief of Police that the payment of the testing fee would create an undue hardship on an applicant, the Chief of Police may, after inquiry and investigation, be granted permission to waive such application fee.

§ 2-75.6 Fees Charged by the Department of Public Works.

- a. Compost/Wood Chip Delivery.
 - 1. Three (3) yards: \$25.00
 - 2. Five (5) yards: \$35.00
- b. Purchase of Leaf Bags (each): ~~\$0.30~~\$0.50

SECTION II

That Chapter 4 entitled “Licensing and Business Regulations” shall be amended by adding the following **thus** and deleting the following **thus**:

~~§ 4-15.5 Fees.~~

~~For dial alarms, central station alarms and local alarms, the registrant shall pay whatever charges are required by an alarm company making the installation. The registrant shall also pay to the Borough of Roseland a one (1) time fee in the sum of twenty (\$20.00) dollars to cover the cost of registration.~~

§ 4-16.7 Fees.

All applications shall be accompanied by a nonrefundable fee of ~~eighty (\$80.00)~~five hundred (\$500.00) dollars for the initial fee. Thereafter the renewal fee shall be ~~fifty (\$50.00)~~five hundred (\$500.00) dollars.

§ 4-16.19 Towing and Storage Fee Schedule.

- a. Fees for the towing and storage of private passenger vehicles, damaged in an accident or recovered after being stolen, may not exceed the fees established by the New Jersey Department of Insurance pursuant to N.J.S.A. 17:33B-47.
- b. Pursuant to law, the fee schedules shall be reviewed by the New Jersey Commissioner of Insurance on an annual basis and may be revised if necessary. In the event the schedule below is revised by the Commissioner of Insurance, the revised fees shall be the maximum fees that may be charged by official towers and this ordinance shall be deemed amended accordingly.

c. Pursuant to N.J.S.A. 40:48-2.50, all fees to be paid to an operator by the Borough for towing services shall not exceed the following:

1. Basic towing services (2-axle vehicle) for vehicles under 8,000 lbs.:
 - (a) Rate: ~~\$80.00~~\$125.00
 - (b) Each additional axle: ~~\$25.00~~\$35.00
 - (c) Mileage rate outside the Borough of Roseland: ~~\$3.00~~\$4.34 per mile
2. Basic towing services (2-axle vehicle) for vehicles over 8,000 lbs.:
 - (a) Rate: ~~\$175.00~~\$295.00
 - (b) Each additional axle: \$35.00
 - (c) Mileage rate outside the Borough of Roseland: ~~\$4.00~~\$5.34 per mile
3. Basic flatbed rates. These rates will only apply on vehicles that cannot be towed by any other means. Flatbed towing of a vehicle with wheel lift does not qualify for flatbed rate. The owner/operator or Police may demand flatbed towing for which the licensee may charge the flatbed rate.
 - (a) Flatbed rate: ~~\$100.00~~\$125.00
4. Motorized bicycles and motorcycles will be towed by a tow vehicle designated by the licensee.
 - (a) Motorized bicycle/motorcycle rate: ~~\$80.00~~\$125.00
5. Heavy duty towing (vehicles over 16,001 lbs. GVW):
 - (a) Heavy duty rate (per hour) (to be charged in 30-minute increments/one hour minimum): ~~\$300.00~~\$325.00
 - (b) Shaft removal: \$45.00
 - (c) Brake release: \$45.00
 - (d) Licensee may not charge a mileage fee for heavy duty towing.
6. Miscellaneous charges (per hour):
 - (a) Winching, light duty/medium duty tows: \$75.00
 - (b) Cleanup: \$60.00
 - (c) Recovery (medium duty wrecker): 150.00
 - (d) Recovery (heavy duty wrecker): \$300.00
 - (e) Additional manpower: ~~\$60.00~~
 - (f) Level 3 recovery supervisor: ~~\$90.00~~
 - (g) Emergency road service: ~~45.00~~\$70.00
(Including, but not limited to jump starting, up to two gallons of gasoline, and tire changing)
If emergency road service results in a tow, then the licensee may not charge for road service.
 - (h) Licensee may charge for additional fees based upon extraordinary costs of materials and extraordinary recovery work.
7. Storage rates (per calendar day, 2-axle vehicle):
 - (a) Under 10,000 lbs. outside: ~~25.00~~\$45.00

- (b) Under 10,000 lbs. inside: ~~35.00~~\$50.00
 - (c) Each additional axle: \$20.00
 - (d) Vehicles over 10,000 lbs., single-axle straight vehicle: \$75.00
 - (e) Vehicles over 10,000 lbs., tandem axle straight vehicle: \$100.00
 - (f) Vehicles over 10,000 lbs., tractor trailer combo: \$100.00
 - (g) Pursuant to N.J.S.A. 40:48-2.50, no operator may charge the Borough:
 - (1) More than three (\$3.00) dollar per day for the first thirty (30) days of storage per vehicle, and
 - (2) More than two (\$2.00) dollars per day for the 31st day of storage and any day thereafter; and
 - (3) More than four hundred (\$400.00) dollars per vehicle stored regardless of the duration of storage, except that a waiver may be granted for good cause upon request of a municipality by the Division of Local Government Services in the Department of Community Affairs.
8. There shall be no additional charges, other than those provided in the fee schedule, including, but not limited to, waiting time, additional labor, and administrative fees.
9. The above towing charges shall not apply when the operator of the vehicle elects either a specific tower or to be towed to a destination other than the licensed storage facility. In such cases, the towing charges shall be mutually agreed upon between the operator of the vehicle and the towing contractor.

SECTION III

That Chapter 17 entitled “Water and Sewer” shall be amended by adding the following **thus** and deleting the following **thus**:

§ 17-6.1 Meter Readings and Charges.

- a. The Borough shall collect all water meter reads quarterly during the first 10 business days of each quarter and bills for water service shall be mailed to the consumer quarterly. They shall bear interest at a rate per annum, with penalties and procedures for delinquent payment to be determined by the Borough Council by adoption of a new resolution from time to time as the Council shall deem necessary and appropriate in accordance with the requirements of sound municipal financial planning.
 - 1. Notwithstanding anything to the contrary herein, if the Borough fails to obtain a quarterly meter read then the user's bill for water consumption shall be calculated at the lowest rate. However, if the Borough requests in writing that the user permit access to its meter, and the user fails to grant access within 30 days, then the user's bill for water consumption shall be calculated at the regular rates and in the regular manner set forth within this section.
 - 2. In any case where the Borough calculates a residential user's quarterly bill based upon an inaccurate consumption due to the Borough's conduct, the residential user's quarterly bill shall be recalculated utilizing the lowest rate for consumption. The Borough shall

issue the residential user a credit for the difference between the amount originally billed, and the amount due under the recalculation, and shall issue the residential user any refund due. The recalculation shall only go back six years from the date of said recalculation.

3. The Borough shall be permitted to require a commercial user to install a new water meter that conforms to the Borough's requirements. A commercial user is defined as any property that has a water meter that is greater than one inch in size. The commercial user shall install the new water meter within 30 days of receiving written notification from the Borough that the new installation is required. The commercial user shall install the new water meter at the commercial user's sole cost and expense. Said commercial user shall not install the new meter without the Borough of Roseland's Water Sewer Foreman or his representative being present at the time of the new meter installation and shall provide at least two business days' written notice to the Water Sewer Foreman and Water Department Accounts Receivables Clerk of the date and time of the installation of the new meter. Failure to comply with this subsection shall result in the commercial user being billed at a rate during that quarter that correlates to the highest amount of consumption in the commercial users past four quarters.

4. In the case where a residential user notifies the Borough of a suspected water leak and the Borough confirms a leak, and/or the residential owner provides written confirmation of a leak from a licensed plumber or landscaper, and/or where the Borough notifies the user of a suspected leak and the user contacts the Borough to arrange for a Borough inspection within 30 days of the Borough's notification and a leak is detected, then the user's bill for water consumption shall be calculated ~~or recalculated years during the same quarter the leak was confirmed~~ based on the average of the previous nine quarters and shall be billed at actual rates and any consumption above the average shall be billed at a Leak Rate. Example: a leak detected in the 3rd quarter of 2023, the 2023 3rd quarter bill would be based on the average of the actual usage billed in the 3rd and 4th quarters of 2020, plus all four quarters of 2021, plus the 1st, 2nd, and 3rd quarters of 2022. The Leak Rate shall be ~~\$3.50~~\$3.71 per 1,000 gallons. (a) No leak rate will apply for leaks found in irrigation systems.

5. In the case of a malfunctioning commercial user's meter, it shall be replaced within 30 days upon notification. Notification shall be deemed sufficient either orally by the Water Sewer Foreman or written notification. Failure to comply with this subsection shall result in the commercial user being billed for the last recordable accurate read on record.

b. Failure to provide access for the purpose of reading the meter after 120 days from the last meter reading may result in the shutting off of meter service.

c. All charges shall be payable to the Borough of Roseland.

d. All owners whose water bills remain unpaid after the third consecutive quarter will be subject to having their water turned off at the curb stop and will also be subject to a \$100 fee for turning on the water.

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- e. Upon receipt of a request by a consumer to the Department, the water may be shut off by the Department. A charge of \$25, however, shall be made for turning off or restoring the service. If the house is vacant, no deduction from the minimum charge hereinafter prescribed shall be made as long as the curb stop shall remain open.

§ 17-8.1 **Rates.**

- a. Commodity rate for water and sewage service charge. There shall be a combined single charge for water consumed and for sewage service which shall be based upon water usage in the Borough at graduated rates per metered thousand gallons per quarter as follows:
 - 1. 0-50,000: ~~\$3.50~~\$3.71 per metered thousand gallons per quarter.
 - 2. 50,001-75,000: ~~\$6~~\$6.37 per metered thousand gallons per quarter.
 - 3. 75,001-100,000: ~~\$9~~\$9.55 per metered thousand gallons per quarter.
 - 4. 100,001-125,000: ~~\$12~~\$12.73 per metered thousand gallons per quarter.
 - 5. 125,001-150,000: ~~\$15~~\$15.91 per metered thousand gallons per quarter.
 - 6. 150,001-175,000: ~~\$18~~\$19.10 per metered thousand gallons per quarter.
 - 7. 175,001-200,000: ~~\$21~~\$22.28 per metered thousand gallons per quarter.
 - 8. 200,001 and over: ~~\$24~~\$25.46 per metered thousand gallons per quarter.
- b. Only that portion of the water used in the higher graduated rate shall be charged the higher rate. For example, if the customer uses 60,000 gallons in a single quarter, the first 50,000 will be charged at ~~\$3.50~~\$3.71, and the next 10,000 will be charged at ~~\$6~~\$6.37.
- c. Reduced Billing for Certain Seniors, Veterans and Surviving Spouses. The Borough desires to provide a reduced commodity rate for water and sewage service charges for certain seniors, veterans and surviving spouses.
 - 1. Persons Affected. There shall be a reduction in the commodity rate for water and sewage service charges for senior citizens that qualify for the New Jersey Senior Freeze Act and veterans and surviving spouses who receive the \$250 tax deduction pursuant to N.J.S.A. 54:4-8.10.
 - 2. Amount of Reduction. The amount of the reduction shall be 10% less than the amount fixed above.

The provisions of Subsection 17-8.1c.1. and Subsection 17-8.1c.2. above shall take effect as of January 1, 2021.

§ 17-8.3 **Meters.**

For the purposes of calculating usage based on meter readings, the following limitations shall apply:

- a. Office buildings 150,000 square feet and under: maximum of three (3) meters with one meter dedicated as a separate sprinkler line and another meter dedicated as a fire line.
- b. Office buildings in excess of 150,000 square feet: maximum of four (4) meters with one

meter dedicated as a separate sprinkler line and another meter dedicated as a fire line.

- c. Residential apartment complexes shall have one meter per residential apartment unit. One additional meter shall be permitted as a dedicated separate line for swimming pools and lawn sprinklers.
- d. Other separately identified or titled properties, including detached dwellings, including but not limited to townhouses and condominiums shall have one meter per residential unit. One additional meter shall be permitted as a dedicated separate line for swimming pools and lawn sprinklers.
- e. For residential condominium associations, homeowners' associations or apartments (as defined in the Roseland Land Development Ordinance) that were built prior to January 2013 that have separate meters servicing the common elements, sprinklers or common swimming pool, the water rate for the separate meter servicing the common elements, sprinklers or common swimming pool shall be ~~\$6.18~~\$6.37 per thousand gallons without regard to quarterly usage.

SECTION IV

That Chapter 30 entitled “Land Development”, Section 30-702 entitled “Schedule of Fees” shall be amended by adding the following thus and deleting the following ~~thus~~:

§ 30-702.6 Zoning Permits.

- a. Residential Zoning Permits shall have a fee of \$50.00.
 - ~~Fences~~ \$10
 - ~~Signs (each)~~ \$10
 - ~~Non-Structure (i.e. driveways, walks, patios)~~ \$10
 - ~~Non-Attached Structure (i.e., sheds, garages, swimming pools, generators, air conditioners)~~ \$15
 - ~~Attached Structure (i.e. garages, porches, additions, decks)~~ \$25
 - ~~New Structures (principal structure on lot or for principal use)~~ \$50
 - ~~Conditional Use~~ \$25
 - ~~Subdivisions—less than 5 acres~~ \$75
 - ~~Subdivisions—5 acres and over~~ \$125
 - ~~Any item not covered above~~ \$25
- a. Nonresidential Zoning Permits shall have a fee of \$100.00.
 - ~~Fences~~ \$15
 - ~~Signs (each)~~ \$15
 - ~~Additions on existing buildings~~ \$50
 - ~~New Structure—principal structure on lot or for principal use~~ \$75

Change in Use	\$25
Site Plan less than 5 acres	\$75
Site Plan 5 acres and over	\$125
Land Development Ordinance	\$35
Any item not covered above	\$25

SECTION V

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION VI

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: November 21, 2023

Motion to Introduce by: Councilman Bardi
 Motion Seconded by: Councilwoman Perrotti
 Introduction Approved: 3-0 Voice Vote (Fishman, Freda, Trillo absent)

DATE OF ADOPTION: December 19, 2023

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi	X		X				
Councilwoman Fishman			X				
Councilman Freda							X
Councilwoman Perrotti			X				
Councilwoman Tolli			X				
Council President Trillo		X	X				
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 19th day of December, 2023.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: December 28, 2023, The Progress

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